

10/06/05

Memorandum

TO: Mining Program Managers (MPM) (Pam Grubaugh-Littig, Daron Haddock, Wayne Hedberg, Mark Mesch, Susan White) and Mining Program Guideline Files (Angela Nance, Joelle Burns, Connie Jo Garcia)

FROM: Mary Ann Wright, Associate Director, Mining

RE: Mandated Review and Revision of Program Guidelines

This memo is written as a follow-up to 1) the memorandum from Jared Hawkins, Law Clerk, to Steve Alder, dated June 3, 2004 and copied to each of you on August 23, 2004 (attached) and 2) as a follow up to numerous prior discussions at MPM meetings.

In that 6/4/04 memo, Mr. Hawkins outlines the changes to the Utah Administrative Procedures Act made by the Utah Legislature in 2003, and the implications to the Mining Programs' Guidelines. The direction regarding the legislative change is essentially this: **If a guideline is being used as a rule, it must go through the rulemaking process. If a guideline is not to be used as a rule, then it must be revised to be strictly advisory.** Thus, you, as the Mining Program Managers, are currently reviewing and revising each of your respective programs guidelines.

At this time, I realize that some guidelines are done, some are in progress, and some have not been started. However, **in the interim until all guidelines are revised to comply with the 2003 amendments to UAPA, each Guideline must reflect its review/revision status.** If you have questions, please let me know. Thank you for taking care of this action.

cc: Steve Alder  
John Baza  
PIC  
Vickie Southwick

Attachment: Hawkins memo dated 6/3/04

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